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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,885	03/06/2002	Steven Victor Kauffman	SVL920010048US1	6876

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EXAMINER

DARNO, PATRICK A

ART UNIT	PAPER NUMBER
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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/091,885

Applicant(s)

KAUFFMAN, STEVEN VICTOR

Examiner

Patrick A. Darno

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9-14,16-19 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-14,16-19 and 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-4, 9-14, 16-19, and 21-32 are pending in this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, 9-10, 12-14, 16-19, 21-26, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,724,577 issued to Francis E. Exley et al. (hereinafter "Exley") and further in view of U.S. Patent Application Publication Number 2002/0046224 issued to Mary M. Bendik (hereinafter "Bendik").

Claims 1, 9, and 16:

Exley discloses a module that provides a key that includes (1) a unique identifier of a datum (*Exley: column 2, lines 8-31 and column 3, lines 13-50*);

an additional attribute (*Exley: column 2, lines 9-12 and column 3, lines 32-50*);

wherein said key is utilized by a process that associates said key with said datum in an index of said datum, so that said additional attribute is also associated with said datum in said index (*Exley: column 2, lines 7-31 and column 3, lines 13-30 and column 4, lines 1-35*).

Exley does not explicitly disclose a key that also includes an additional attribute of said datum other than its content. However, Bendik discloses a unique key that also includes an additional attribute of said datum other than its content (*Bendik: paragraphs [0007] and [0015] and*

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[0032]; *The additional attributes of said datum other than its content specifically include attributes such as author, office location, document number, type of document, and the date created.*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Exley with the teachings of Bendik noted above to allow the indexing of encoded attributes in unique identifiers in order to facilitate efficient search and browsing to end users (*Bendik: paragraphs [0007] and [0015]*). The skilled artisan would have been motivated to improve the teachings of Exley per the above such that a document profile containing unique identifies corresponding to attributes of a document provides a user with quick and easy access to stored documents (*Bendik: paragraphs [0004] and [0007] and [0015]*).

Claims 2, 10, and 17:

The combination of Exley and Bendik discloses all the elements of claims 1, 9, and 16, as noted above, and Bendik further discloses wherein the unique document identifier comprises a numeric portion 410 and one or more information portions 420 that assist in identifying documents by providing information about the document (*Bendik: paragraph [0063]*).

Claims 4 and 12:

The combination of Exley and Bendik discloses all the elements of claims 1 and 9, as noted above, and Exley further discloses wherein said datum is stored in a database (*Exley: column 2, lines 7-31 and column 3, lines 13-31*).

Claims 13 and 18:

The combination of Exley and Bendik discloses all the elements of claims 9 and 16, as noted above, and Bendik further discloses a method for management of documents over a network of computers (*Bendik: paragraph [0001]*).

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Claims 14 and 19:

The combination of Exley and Bendik discloses all the elements of claims 13 and 18, as noted above, and Exley further discloses wherein said creating is performed for said plurality of data (*Exley: column 2, lines 7-31 and column 3, lines 13-30*).

Claims 21, 26, and 28:

The combination of Exley and Bendik discloses all the elements of claims 1, 9, and 16, as noted above, and Exley further discloses:

wherein said key is a first key and said additional attribute has a first value (*Exley: column 4, lines 22-35; Note specifically the unique keys associated with the values found in the relational information table*);

a module that searches said index and obtains a list that includes said first key and a second key, wherein said second key has a second value for said additional attribute (*Exley: column 3, line 50 – column 4, line 37*); and

a module that sorts said list in an order determined by said first value and said second value (*Exley: column 3, lines 31-50 and Fig. 3; Note specifically sorted order or data groups and subgroups determined by index keys*).

Claims 22, 23, 24, 25, and 29:

The combination of Exley and Bendik discloses all the elements of claim 21, as noted above, and Bendik further discloses a method for management of documents over a network of computers (*Bendik: paragraph [0001]*).

Claims 30, 31 and 32:

Exley discloses:

a module that searches an index of data, wherein said data includes:

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a first datum associated with a first key that includes:

a unique identifier of said first datum (*Exley: column 2, lines 8-31 and column 3, lines 13-50*), and

an additional attribute having a first value (*Exley: column 2, lines 9-12 and column 3, lines 32-50*), and

a second data associated with a second key that includes:

a unique identifier of said second datum (*Exley: column 2, lines 11-31 and column 3, lines 23-50 and column 4, lines 22-35; Note that Exley discloses unique keys associated with the values found in the relational information table (second datum).*), and

an additional attribute having a second value (*Exley: column 2, lines 11-31 and column 3, lines 23-50 and column 4, lines 22-35; Note that Exley discloses unique keys associated with the values found in the relational information table (second datum).*), and

obtains a list that includes said first key and said second key (*Exley: column 3, lines 50 – column 4, line 37*); and

a module that sorts said list in an order determined by said first value and said second value (*Exley: column 3, lines 31-50 and Fig. 3; Note specifically sorted order or data groups and subgroups determined by index keys.*).

Exley does not explicitly disclose a key that also includes an additional attribute.

However, Bendik discloses a unique key that also includes an additional attribute (*Bendik: paragraphs [0007] and [0015]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Exley with the teachings of Bendik noted above to allow

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the indexing of encoded attributes in unique identifiers in order to facilitate efficient search and browsing to end users (*Bendik: paragraphs [0007] and [0015]*). The skilled artisan would have been motivated to improve the teachings of Exley per the above such that a document profile containing unique identifies corresponding to attributes of a document provides a user with quick and easy access to stored documents (*Bendik: paragraphs [0004] and [0007] and [0015]*).

3. Claims 3, 11, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Exley in view of Bendik and further in view of U.S. Patent Application Publication Number 2002/0016922 issued to Kenneth W. Richards et al. (hereinafter "Richards").

Claims 3, 11, and 27:

The combination of Exley and Bendik discloses all the elements of claims 1, 9, and 26, as noted above, and Bendik further discloses the management of digital documents (*Bendik: paragraphs [0002] and [0007]*).

The previously mentioned combination does not explicitly disclose wherein said searching is performed over said plurality of network nodes.

However, Richards discloses wherein said searching is performed over said plurality of network nodes (*Richards: paragraphs [0044] and [0059] and paragraphs [0077] – [0078]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Richards per the above in order to allow efficient search and browsing of digital files.

Response to Arguments

Applicant Argues:

In summary, with respect to the rejection of claim 1:

(A) the Exley et al. patent does not suggest a motive to include an additional attribute in the key;

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(B) a modification of the Exley et al. patent to include an additional attribute in the key would change the principle of operation of the system of the Exley et al. patent, and so, the Exley et al. patent cannot serve as a basis for a section 103(a) rejection of claim 1; and

(C) the cited combination of the Exley et al. patent and the Bendik publication does not disclose a key that includes (1) a unique identifier of a datum, and (2) an additional attribute of said datum other than its content, as recited in claim 1.

Examiner Responds:

Examiner is not persuaded. Each element of the above argument will be briefly addressed below.

With respect to argument (A), the Examiner notes that the Exley reference was not cited as support for motivation to combine the Exley reference and the Bendik reference. The Bendik reference was used to provide support to combine the previously mentioned references. The Examiner is convinced that this motivation is proper, and therefore, rejections given under 35 U.S.C. 103(a) are upheld.

With respect to argument (B), the Applicant argues that "if the key were modified to include the attributes therein, rather than in the relational database table, the system in the Exley et al. patent would not need for the key to provide a linkage to the attributes in the relational database table, as is described in the Exley et al. patent."

Again, the Examiner is not persuaded. There is no evidence to suggest that the adding of additional attributes to the key disclosed by Exley would 'change the principle operation' of the Exley invention. This is simply the opinion of the Applicant.

It is noted that the only attempt presented to refute the Examiner's prima facie case of obviousness has been the Applicant's own arguments and opinions. No evidence has been presented to support the Applicant's arguments and opinions. The Examiner notes the rule set

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forth in 37 C.F.R. 1.111(b) which requires Applicant to “distinctly and specifically point out errors” in the examiner's office action. Furthermore, it should be noted that arguments, opinions, or conclusions of Applicant and the Applicant's counsel cannot take the place of evidence (See *In re Budnick*, 537 F.2d at 538, 190 USPQ at 424; *In re Schulze*, 346 F.2d 600, 145 USPQ 716 (CCPA 1965); *In re Cole*, 326 F.2d 769, 140 USPQ 230 (CCPA 1964)).

The Examiner believes that is perfectly reasonable that one would add attributes to a document key value in order to retrieve further attributes, features, and/or properties describing the particular document. Not only is this assertion reasonable, but also the combination of Exley and Bendik, supported by strong motivation to combine the references, proves this limitation to be obvious to one of ordinary skill in the art at the time the invention was made. Therefore, the rejections given under 35 U.S.C. 103(a) are upheld.

Finally, with respect to argument (B), the Examiner has clearly pointed out in the above Office Action that the obvious combination of Exley and Bendik discloses a key that includes (1) a unique identifier of a datum, and (2) an additional attribute of said datum other than its content. In light of the above Office Action, and the lack of persuasive arguments set forth by the Applicant, the rejections given under 35 U.S.C. 103(a) are upheld.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

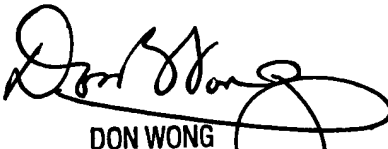
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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